

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

FRANKIE KADIA,

Plaintiff,

-v-

Case No. 05-C-1239

**PAMELA SANDBERG, DENISE
MURPHY, MELANIE CHARS,
LAKEVIEW NEUROREHAB
CENTER, D/B/A,**

Defendants.

DECISION AND ORDER

On November 30, 2005, the Plaintiff filed a complaint alleging that the Defendants discriminated against her on the basis of her race in violation of 42 U.S.C. § 1981(a) and (b). On December 1, 2006, the Defendants filed a motion to dismiss the action for failure to prosecute. The Plaintiff did not respond to the motion to dismiss, but instead filed an incomplete “Stipulation of Dismissal.” Federal Rule of Civil Procedure 41(a)(1)(ii) requires that a stipulation of dismissal include the signatures of all the parties in the action. However, the Plaintiff’s attorney, Willie Nunnery, was the only one to sign the “Stipulation of Dismissal” that was submitted to this Court.

The Court will grant the Defendants's motion to dismiss for failure to prosecute. Not only did the Plaintiff not respond to the motion to dismiss, but the Plaintiff has not even made the required Rule 26 initial disclosures over a year after she initiated this suit. It is clear that the Plaintiff has abandoned this action, so the Court will dismiss it pursuant to Civil Local Rule 41.3.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT**

Defendants' Motion to Dismiss (Docket No. 13) is **GRANTED**. This case is **DISMISSED**, without prejudice.

The clerk is directed to enter judgment and close this case accordingly.

Dated at Milwaukee, Wisconsin, this 18th day of January, 2007.

SO ORDERED,

s/Rudolph T. Randa
HON. RUDOLPH T. RANDA
Chief Judge